

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 7:07-CR-53-01-F

UNITED STATES OF AMERICA

v.

WILLIE JAMES PEARSON,
a/k/a Monkey Ross

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PRELIMINARY
ORDER OF
FORFEITURE

The defendant entered a plea of guilty without benefit of a written plea agreement on September 4, 2007, to the single-count Indictment returned on April 25, 2007. The Indictment charged the defendant with a violation of the Controlled Substance Act, specifically, 21 U.S.C. § 841(a)(1). The Indictment contained a Notice of Forfeiture of the defendant's interest in certain personal property, and in the September 4, 2007 Plea Agreement, the defendant agreed to forfeit the personal property named in the Indictment to wit, a 2000 GMC Yukon, North Carolina Tag WRY-3283, VIN: 1GKEK13T3YJ174120 pursuant to 18 U.S.C. § 492, as applicable herein by virtue of 28 U.S.C. § 2461.

The court having determined that because the subject property was instrumental to the criminal offense to which the defendant pled guilty, a nexus exists between that personal property and the offenses of conviction. Therefore, it is ORDERED

1. Based on the defendant's guilty plea and other information of record, the subject personal property, to wit, the 2000 GMC Yukon, North Carolina Tag WRY-3283, VIN: 1GKEK13T3YJ174120 is FORFEITED to the United States for disposition in accordance with the law, including destruction.

2. Pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish at least once in a newspaper of general circulation notice of the United States' intent to dispose of the subject

personal property in such a manner as the Secretary of Treasury may direct, and notice that any person, other than the defendant, having or claiming any legal interest in the subject property must file a petition with the court within thirty (30) days of the publication of notice or of receipt of actual notice, whichever is earlier.

3. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the subject property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and any additional facts supporting the petitioner's claim and the relief sought.

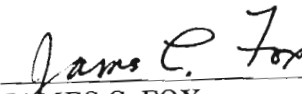
To the extent practicable, the United States also shall provide direct written notice to any person known to have alleged an interest in the subject property, as a substitute for published notice as to those persons so notified.

3. Upon adjudication of all third-party interests, this court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by FED. R. CRIM. P. 32.2(c).

4. The court included this order of forfeiture in pronouncing the defendant's sentence. The Clerk of Court is DIRECTED to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by FED. R. CRIM. P. 32.2(b)(3). In accordance with FED. R. CRIM. P. 32.2(b)(3), this Order now is final as to the defendant.

SO ORDERED.

This the 31st day of December, 2007



JAMES C. FOX
Senior United States District Judge